IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1353 of 1995

Between:

1 Duggompudi Chinnapu Reddy, S/o. Marreddy
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
2 Allam Bal Reddy, S/o. Joji Reddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
3 Allam Kappa Reddy, S/o. Sou Reddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
4 Allam Pal Reddy, S/o. Kasa Reddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
5 Duggompudi Joji Reddy, S/o. Sou Reddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
6 Duggompudi Bal Reddy, S/o. Sou Reddy
R/o. Munugonda (V), Geesugonda (M),
Warangal Dist.
7 Gopu Arjun Reddy, S/o. Bala Sou Reddy
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
8 Duggompudi Thomas Reddy, S/o. Soureddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
9 Duggompudi Rayapu Reddy, S/o. Marreddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
10 Allam Sou Reddy, S/o. Chinnapu Reddy,
R/o. Munugonda Village Geesugonda Mandal,
Warangal District.
11 M.Ennamma, S/o. Gnanaiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District
12 Duggompudi Javiyar Reddy, S/o. Chinnapu Reddy

R/o. Munugonda Village, Geesugonda Mandal,
Warangal District

13 Duggompudi Pranchin Reddy, S/o. Chinnapu Reddy
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District

14 Mutthineni Mohan Rao, S/o. Sri Ramaiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District

15 Thota Chinna Narsaiah, S/o. Narsaiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District

16 Thota Mallesham, S/o. Mallaiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District

17 Thuppari Komuraiah, S/o. Komuraiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

18 Bhaparthy Mallaiah, S/o. Bakkaiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

19 Bhaparthy Sailu, S/o. Bakkaiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

20 Thota Uppalaiah, S/o. Narsasiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

21 Thota Pedda Narsaiah, S/o. Rajamallu
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

22 Thuppari Ilaiah, S/o. Komuraiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

23 Kandikonda Sailu, S/o. Kanakaiah
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

24 Kamineni Kanakaiah, S/o. Narsaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

25 Kandikonda Sambaiah, S/o. Kanakaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

26 Jikku Laxmi, W/o. Veeraiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

27 Gopathi Cheralu, S/o. Oilchandru,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

28 Kunta Yellaiah, S/o. Mallaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

29 Gadudula Kattaiah, S/o.Bondaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

30 Gunda Sailu, S/o. Venkataiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
31 Gunda Kommalu, S/o. Kondaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
32 Marri Cheralu, S/o. Buchaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
33 Gopathi Bhangaru, S/o. Oilchandru,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
34 Bhaparthi Cheralu, S/o. Sammaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
35 Rathipalli Yellaiah, S/o. Saraiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
36 Bhaparthy Mogili, S/o. Sammaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
37 Kanchala Saraiah, S/o. Narsaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
38 Gadurula Sambaiah, S/o. Rayalengu,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
39 Odela Sambaiah, S/o. Upplaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
40 Mugala Mallaiah, S/o. Bogaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
41 Sanboina Ilaiah, S/o. Narsaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
42 Gunda Iylaiah, S/o. Chandraiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
43 Gunda Upplaiah, S/o. Venkataiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal Disrict.
44 Gunda Mallaiah, S/o. Narsaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
45 K.Laxmi, W/o. Ramachandru,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
46 Doma Chinna Narsaiah, S/o. Pochaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.
47 Ch.Narsimharamulu, S/o. Kondaiah,
R/o. Munugonda Village, Geesugonda Mandal,

Warangal District.

48 Dhambarthy Sanjeeva, S/o. Mallaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

49 Doggompudi Salu Mohan Reddy, S/o. Jojireddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

50 Kanchala Ramulu, S/o. Naraiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

51 Kanchala Veera Swamy, S/o. Narsaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

52 Odela Peddamallaiah, S/o. Chinna Narsaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

53 Gunda Kumaraswamy, S/o. Kondaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

54 Doma Pedda Narsaiah, S/o. Pochaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

55 Perla Mallaiah, S/o. Buchaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

56 Thota Sai Sivudu, S/o. Mallesh,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

57 Allam Mariyamma, w/o. Kaspareddy,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

58 Kapula Lacchamma, W/o. Kondaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

59 Perla Lingaiah, S/o. Bucchaiah,
R/o. Munugonda Village, Geesugonda Mandal,
Warangal District.

..... PETITIONERS

AND

1 The District Collector, Warangal.
2 Government of A.P., Rep.by its Chief Secretary,
Secretariat, Hyderabad.
3 The Executive Engineer, I & CASD, Sri Ram Sagar Project,
Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus

declaring that the action of the respondents in not paying compensation to the petitioners for the loss incurred by them in view of breach of Ranga Samudram Kunta of Manugonda Village, Geesugonda Mandal, Warangal district is highly arbitrary, bad and illegal and consequently direct the respondents to pay compensation to the petitioners for the loss incurred due to breach of Ranga Samudram Kunta of Manugonda Village, Geesugonda Mandal, Warangal district and pass such other order or orders as deem fit and proper.

Counsel for the Petitioners: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following ORDER:

ORDER:

This writ petition is filed by the petitioners, who are 59 in number and residents of Manugonda village, Geesugonda Mandal, Warangal District, praying for issuance of writ of *Mandamus* or any other appropriate writ declaring the action of the respondents in not paying compensation to them for the loss incurred by them in view of breach of Ranga Samudram Kunta of Manugonda village, Geesugonda Mandal, Warangal District, as illegal, arbitrary and for a consequential direction to the respondents to pay the compensation to them for the loss incurred due to the

breach.

2. According to the petitioners, they are the owners of various extents of lands under the ayact of Ranga Samudram Kunta, which is the only source of irrigation for their ayacut lands. However, for the purpose of digging Sriram Sagar Project canal and for alignment, the said kunta was proposed to be breached and accordingly it was breached. As a result of the breach caused to the said Kunta, the petitioners, who are the ayacutdars of the said irrigation source, suffered serious loss and were not able to raise any crops. Therefore, they made a representation to the respondent authorities seeking payment of compensation. As there was no response from the respondents, they sent a notice through Advocate on 01.10.1990. In spite of the same, there was no response from the respondents, therefore, the petitioners have come up with the present writ petition seeking appropriate directions to the respondents to determine and pay the compensation for the loss suffered by them.

3. A counter-affidavit has been filed by the third respondent disputing and denying the allegations. In the counter-affidavit, it is stated that the ayacut of Ranga Samudram Kunta was not being supplied water properly in view of the non availability of the water though an extent of Ac.68.15 guntas of land was under the ayacut of the said irrigation source. It is further stated that for want of sufficient water in the said irrigation source, the entire extent of Ac.68.15 guntas was not cultivated and the extents that were cultivated are given year wise from 1979-80 to 1988-89. It is also stated that in none of the years there was full supply of water for the entire extent of ayacut and in fact for two years there was no supply at all and for part of the years, water for less than half of the extent of the ayacut was supplied. It is also stated in the counter that for excavation of canal DBM-38 from KM.0.00 to 20 and construction of structures like U.T., lining works were taken up for execution with the World Bank Aid and it was proposed to breach the kunta. It is stated that as the petitioners were not getting adequate supply of water and the supplies, if any, are only for the purpose of irrigated dry forms, the petitioners are not entitled for any compensation.

4. Heard both sides and perused the material available on record.

5. It is submitted by both sides that the Ranga Samudram Kunta, which is the source of irrigation for the ayacut lands, belonging to the petitioners, was breached. As a

result, the petitioners were prevented from raising any crops and thereby suffered the loss. Therefore, it is stated that they made representations to the respondents demanding payment of compensation but no orders were passed on the representations. In fact a copy of the notice sent through Advocate dated 01.10.1990 was filed as enclosure in the writ petition. The issue was not considered by the first respondent who is the competent authority to enquire into and determine the compensation, if any, to which the petitioners are entitled to and recommend the same to the second respondent –Government for sanctioning the payment of compensation.

6. Under the above circumstances, respondents 1 and 2 are directed to consider and pass appropriate orders on the representations of the petitioner expeditiously, preferably within a period of two months from the date of receipt of a copy of this order. The petitioners are also directed to send copies of the representations, which were already made by them to both respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No costs.

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S. Ananda Reddy, J

Date: 02.12.2004

Note: Furnish CC in 3 days

(B/o)

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To

1 The District Collector, Warangal.
2 The Chief Secretary, Government of A.P.,
Secretariat, Hyderabad.
3 The Executive Engineer, I & CASD, Sri Ram Sagar Project,
Warangal.

4 Two CCs to G.P for Revenue, High Court of A.P. Buildings,
Hyderabad (OUT)

5 Two CD Copies